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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,592	04/12/2004	Jong Woo Lee	F-8162	2847
28107	7590	02/10/2006	EXAMINER	
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			SCHELL, LAURA C	
			ART UNIT	PAPER NUMBER
			3767	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/822,592

Applicant(s)

LEE, JONG WOO

Examiner

Laura C. Schell

Art Unit

3767

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2-15-04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Acknowledgments***

Examiner acknowledges that Applicant has canceled claims 1-11, and added claims 12-22. Claims 12-22 are pending in this office action.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "plurality of fixing projectors" in claim 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: The second paragraph on page 6 of the specification discloses an "open groove (12)" which is not illustrated in the drawings. Also, the first line on page 10 of the specification discloses a "projecting ring (31)" which is not illustrated in the drawings.

Figure 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: In the section labeled as "Summary of the Invention", the applicant inserts numerical references of features in the drawings in paragraphs 3 and 4. These numerical references are usually only inserted in the section of "Detailed Description" of the specification. For continuity with the proper format of the specification, appropriate correction is required.

The disclosure is objected to because of the following informalities: page 5, line 14, in the phrase "separate I intermediate", the "i" should be deleted. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19 recites the limitation "said affixing member" in the

second line of the claim. There is insufficient antecedent basis for this limitation in the claim. Examiner has interpreted this as "an affixing member". Correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 12-15, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Mann et al. (US Patent No. 5,957,890). Mann discloses a delivery apparatus for medical fluids (Fig. 1) having a flat, round, compact shape, comprising: an outer case (18), comprising an upper case (Fig. 2, 20) and a lower case (22), which engagingly cooperate with one another (see Fig. 3 and element 23); a projecting holder (34), around which a tubular body (30) is capable of being wound; a tubular body (30) having opposite ends, both of which are wound around said projecting holder (col. 5, lines 38-47); a branch conduit (Fig. 5, 48), also connected to said tubular body; and a hose (16), for medical fluids, connected to said branch conduit. Mann also discloses that the apparatus comprises an intermediate ring (Fig. 14, 32) between the upper case (20) and the lower case (22). Mann further discloses that the apparatus comprises a plurality of fixing projectors (Fig. 6, projectors at the bottom of element 48 which 47 passes through and 22 borders the projectors on the top); and a corresponding plurality of fixing grooves (Fig. 6, the grooves in element 22 which allows 48 to fit in it) on the

Art Unit: 3767

lower case (22) which cooperate with and fix the corresponding projections. Mann also discloses an injection port (Fig. 5, the port is located between 48 and 16); and a unidirectional flow injection valve (Figs. 7 and 8, 76) in fluid communication with both the injection port and a passageway hole (Figs. 1 and 2, 14) in said upper case (20). The valve (col. 7, lines 4-32) is in fluid communication with the passageway hole (Fig. 7, 14) and with the branch conduit through the fluid flow path from the valve (76), through passage (84) to the reservoir (Fig. 2, 12) through the perforations (Fig. 3, 42), through the filter (28) and outlet ports (44), into the tubing (30) and then into the injection port (Fig. 5 shows the tubing (30) in communication with the injection port), which is further supported in col. 5, lines 23-60. Mann further discloses the apparatus comprising a recess groove (Fig. 6, groove which element 50 sits in) on said branch conduit (48) and wherein an affixing member (50) is fixed by applying pressure to the recess groove.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mann in view of Davis (US Patent No. 3,217,949). Mann discloses the device substantially as claimed except for a press-openable and closeable lid. Davis, however, discloses a press openable and closeable lid (Figs. 5 and 6, 20) that opens and closes over a hole. Davis also discloses that the lid has a scored folding line (Fig. 1, 23) on the

Art Unit: 3767

exterior side of the lid, and a v-shaped slot (Figs. 3 and 5, 23) on the interior side of the lid, and a portion of the lid (Fig. 6, 14) below the scored folding line is affixed to the upper case. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Mann with the lid of Davis, in order to provide the infusion device with a lid to cover the opening and keep the opening clean from debris.

Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mann in view of Lee (US Patent No. 6,024,724). Mann discloses the device substantially as claimed including a recess groove (Fig. 6, groove in which 50 sits). However, Mann does not disclose expressly a rabbet groove on the recess groove, a projecting ring on the affixing member, an incised interior side of the affixing member or the recess groove being doubly sheathed. Lee discloses a groove (Fig. 6, 262) and a projecting ring (271) on the affixing member. Lee further discloses that the affixing member is of two layers (Fig. 6) and that a portion of the affixing member (262) is incised so as to be elastically reactive (col. 8, lines 54-64). Lee further discloses that the affixing member would allow the groove to be doubly sheathed. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the recess groove of Mann with the rabbet groove, projecting member and affixing members as taught by Lee in order to provide a very secure seal between the affixing member and the branch conduit.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Schell whose telephone number is (571) 272-7881. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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